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SUBJECT: U.S. and Portugal sign criminal information sharing  
agreement

¶1. (SBU) SUMMARY: In Lisbon, Portugal on June 30, Department of Homeland Security (DHS) Secretary Janet Napolitano signed an agreement with Portugal on Preventing and Combating Crime (PCC). The GOP Ministers of Interior Affairs (MOI) and Justice (MOJ) both signed the agreement for Portugal, with Foreign Minister Jorge Amado acting as host. The USG initially proposed this agreement (under the name "Preventing and Combating Serious Crime") to the GOP in 2008 as part of enhanced security arrangements mandated by the 9/11 Act for Visa Waiver Program (VWP) countries. (Note: Portugal became the 12th EU member state and 13th country to have signed such an agreement with the U.S. End Note) The public signing ceremony occurred at the Portuguese Foreign Ministry after a roundtable meeting between the U.S. and the three GOP ministers. A brief press conference followed the signing. END SUMMARY

¶2. (SBU) At the meeting preceding the signing, FM Amado emphasized the importance of the transatlantic relationship. Portugal believes in strong bilateral cooperation with the U.S., as evidenced by the conclusion of this PCC agreement, he said. At the same time, Portugal's European Union (EU) membership is fundamental and the U.S. can count on Portugal to support a strong transatlantic relationship within the EU, he said. Secretary Napolitano responded affirming the strong bilateral relationship and thanking Portugal for helping to resolve the issue of resettling Guantanamo detainees. Concerning the EU, Secretary Napolitano agreed and stressed the U.S. also sought partnership and meaningful information exchange with the EU.

¶3. (SBU) MOI Rui Pereira noted that since 9/11 Portugal had approved new counterterrorism laws and reinforced the security of its personal identification documents, such as by introducing electronic passports and national identity cards and by automating the entry of passengers at Portuguese international airports. Secretary Napolitano mentioned she hopes the GOP will also conclude negotiations with the U.S. (Note: under HSPD-6 End Note) to exchange terrorist screening information.

¶4. (SBU) MOJ Alberto Costa mentioned the early June signing by Secretary Clinton and FM Amado of the extradition and mutual legal assistance treaties between the U.S. and Portugal in Washington as an additional example of useful recent progress. He also emphasized the difficulty in negotiating this PCC agreement where Portugal had to juggle strict EU and Portuguese protections for personal data privacy with the need to enhance cooperation with the U.S. to fight criminal and terrorist activity. He said that this PCC agreement balances and meets those requirements. (Note: Members of the Portuguese delegation noted that the U.S. having signed similar agreements with Italy in May and Spain earlier in June had eased Portuguese approval. End Note) He also noted that Parliamentary approval of the agreement would be required but should not be a problem citing the recent success of the extradition treaty and the pro-U.S. attitude among the majority of Portuguese.

¶5. (SBU) FM Amado concluded the meeting by saying that competing

themes of justice and security must be reconciled and cited the example of the US-EU joint declaration on Guantanamo as another example of this, in addition to the PCC agreement.

¶6. (SBU) COMMENT: The GOP noted Secretary Napolitano was the first cabinet member of the Obama administration to visit Portugal. The tone of the meeting was very positive and the mood upbeat. Both sides were clearly very happy that the PCC agreement had been concluded, literally only hours before Secretary Napolitano's arrival. Foreign Minister Amado was instrumental behind the scenes in pressing Justice Minister Costa at the last minute to overcome traditional MOJ concerns about privacy laws and the use of personal data. Amado was more cautious on progress on the HSPD-6 agreement, telling Embassy Consul General after the meeting that progress on this matter would be more difficult than on the PCC given political concerns and greater data privacy issues. Nonetheless, we have been advised that the MFA has completed its work on the GOP response to the USG's HSPD-6 proposal and the ball is now in the MOI's and MOJ's court. We've also been told that no movement on this can be expected before national elections in late September. END COMMENT

¶7. (SBU) The DHS Delegation has cleared this cable.  
BALLARD